
C O U N C I L C O M M U N I C A T I O N

TO : THE CITY COUNCIL
FROM: THE CITY MANAGERS OFFICE

COUNCIL MEETING DATE
FEBRUARY 15, 1989

SUBJECT: ADOPT ORDINANCES MAKING PROVISION FOR RATE REDUCTION IN WATER, SEWER AND REFUSE TO CERTAIN LOW INCOME PERSONS; SETTING WATER RATES BY ORDINANCE RATHER THAN RESOLUTION; AND ADOPT BY URGENCY UNCODIFIED ORDINANCE, RATES FOR WATER SERVICE PREVIOUSLY ESTABLISHED BY RESOLUTION.

PREPARED BY: City Attorney

RECOMMENDED ACTION: ➡ 1. Introduce Ord. 1445, establishing a 10% rate adjustment on water, sewer, and refuse collection rates for certain low income person,.

2. Introduce Ord. 1446, requiring that water rates be set **by** ordinance rather than **by** resolution.

3. Introduce Ord. 1448, an urgency uncodified ordinance adopting **by** reference, those rates and charges for water service established in Resolution 89-02.

BACKGROUND INFORMATION: In response to concerns expressed by members of the public in connection with a recent adjustment of water rates, the Council has directed that an ordinance be prepared for consideration, making provision for a rate reduction for certain low income persons. After investigation and much discussion, it was determined that it would be impractical to try to draft a measure which would apply to all persons in low income status irrespective of age. The attached draft is directed only to those persons identified as "low income" by the Social Security Administration, based on the criteria for eligibility for Supplemental Security Income (SSI), or State benefits under the State Supplemental Payment (SSP) program.

In lieu of trying to modify the three separate statutes setting rates for water, sewer, and refuse collection, the Council recommendation that it all be done with a single ordinance proved most workable. The ordinance attached will add a section to Chapter 13.04 of the Lodi Municipal Code, in effect applying a 10% rate adjustment, exclusive of surcharges, to the bills of all eligible low income persons. This avoids the necessity of modifying three separate rate schedules each time fees or rates are adjusted.

Council Communication
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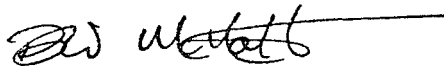
In preparing this ordinance, however, another problem was discovered. Recent State legislation has modified Health and Safety Code §5471 which previously required that sewage and solid waste disposal rates be set by ordinance as opposed to resolution. Now included in that section is rate setting for water systems, which now must also be adopted by ordinance. In fact, Lodi Municipal Code §13.08.010 specifies that water rates shall be adopted or established by "resolution" of the Council. Based on the recent change in State law, it is now necessary that this portion of the Municipal Code be amended to reflect the change.

Therefore, an ordinance is attached hereto amending this part of the Municipal Code to require adoption of water rates by uncodified ordinance, rather than resolution. This ordinance is proposed for adoption as an urgency measure, based on health, safety, or welfare considerations, so that the City may comply with State law.

In summary, the ordinances attached accomplish three things:

- First, it offers a 10% reduction in rates for water, sewer, and refuse collection services to those persons otherwise eligible for SSI or SSP.
- Second, it brings the City into compliance with State law by providing that our water rates be set via ordinance rather than resolution, and
- Third, it adopts by reference in an urgency uncodified ordinance, those water rates previously established by resolution.

Respectfully submitted,



BOB McNATT
City Attorney

BM:vc

CCUITLIT/TXTA.01V

ORDINANCE NO. 1445

AN ORDINANCE OF THE LODI CITY COUNCIL
ADDING TO CHAPTER 13.04 OF THE LODI MUNICIPAL CODE
A PROVISION FOR REDUCTION IN THE CITY RATES
FOR WATER, SEWER AND REFUSE COLLECTION
TO CERTAIN LOW INCOME PERSONS

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 13.04 is hereby amended to
add Section 13.04.130, to read as follows:

13.04.130 low income adjustments.

The rates for residential water, sewer and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced by ten percent (10%) (exclusive of surcharges, if any) for those residential accounts in the names of persons otherwise eligible for Supplemental Security Income (SSI), or State Supplement Payments (SSP), as determined by the Social Security Administration, which shall have sole discretion in determining such eligibility. Proof of eligibility may be required by the City to qualify for the rate adjustments provided herein.

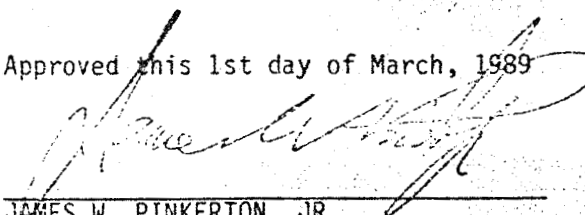
SECTION 2.

This ordinance shall be applied to all billings made for services rendered on or after April 1, 1989.

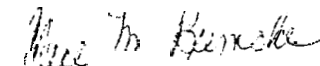
SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 1st day of March, 1989


JAMES W. PINKERTON, JR.
Mayor

Attest:


ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1445 was introduced at a regular meeting of the City Council of the City of Lodi held February 15, 1989 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held March 1, 1989 by the following vote:

Ayes:	Council Members - Hinchman, Olson, Reid and Finkerton (Mayor)
Noes:	Council Members - None
Absent:	Council Members - Snider
Abstain:	Council Members - None

I further certify that Ordinance No. 1445 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

Approved as to Form

Bobby W. McNatt
BOBBY W. McNATT
City Attorney